

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 5:05 CR 154
)	
Respondent,)	Judge Dan Aaron Polster
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
ANTHONY L. ORR,)	
)	
Petitioner.)	

This matter is before the Court on the Motion of Defendant Anthony L. Orr for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2) (“Motion”) (*ECF No. 93*). For the following reason, Defendant’s Motion is **DENIED**. On March 2, 2006, after Defendant pled guilty to possession with intent to distribute cocaine base (“crack cocaine”) and conspiracy to distribute and possess with the intent to distribute crack cocaine, the Court sentenced Defendant to 168 months in prison and 5 years of supervised release. Pursuant to 18 U.S.C. §3582(c)(2), U.S.S.G. §1B1.10, and the December 11, 2007 decision by the United States Sentencing Commission to retroactively apply Amendment 706 of U.S.S.G. §2D1.1, Defendant moves the Court to reduce his sentence to no greater than 140 - 175 months imprisonment pursuant to a base offense level reduction from level 30 to level 28. Defendant’s motion is **DENIED**. The Court sentenced Defendant as a career offender under U.S.S.G. §4B1.1 and not under U.S.S.G. §2D1.1. Sentence reductions pursuant to Amendment 706 do not apply to individuals sentenced

as career offenders. *United States v. Perdue*, 572 F.3d 288, 292 (6th Cir. 2009) (“... [A] district court may not grant a motion for a reduction in sentence premised upon Amendment 706 if the defendant seeking the reduction was originally sentenced as a career offender ...”); *United States v. Alexander*, 543 F.3d 819, 825 (6th Cir. 2008); *United States v. Leasure*, No. 07-1625, 2009 WL 1546370, at *7 (6th Cir. June 3, 2009). Accordingly, Defendant is not eligible for a reduction in sentence.

IT IS SO ORDERED.

/s/Dan Aaron Polster July 28, 2010
Dan Aaron Polster
United States District Judge